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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/744,811

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Hideki Kanemoto

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7590

09/20/2005

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EXAMINER

LEE, ANDREW CHUNG CHEUNG

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/744,811

Applicant(s)

KANEMOTO ET AL.

Examiner

Andrew C. Lee

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09/15/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 11, 13 – 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Moon et al. (U.S. Patent No. 6831910 B1).

Regarding Claims 11, 15, Moon et al. discloses the limitation of a packet communication apparatus (column 1, lines 25 – 29) comprising: a transmitter that transmits a plurality of transmission units (Fig. 1, column 1, lines 43 – 45; Fig. 5A), constituting a packet signal (Fig. 5A, column 7, lines 49 – 51), in order; a determiner that makes a determination as to whether or not a quality of a transmitting packet signal has deteriorated below a predetermined quality level, at a communication end, based on the content of transmit power control information received from said communication end (column 19, lines 19 – 22); and a controller that: in response to a determination by the determiner that the quality of the transmitting packet signal is deteriorated below the predetermined quality level (column 16, lines 46 – 47; column 6, lines 18 – 29), halts transmit power control on those among the transmission units constituting the

Art Unit: 2664

transmitting packet signal that are transmitted after the determination (column 19, lines 31 – 36; column 6, lines 18 – 29); and based on the transmit power control information on the transmission units constituting the transmitting packet signal, said information received after the determination, resumes transmit power control on a beginning transmission unit of a next transmitted packet signal (column 20, lines 25 – 27, 30 - 33).

Regarding Claim 13, Moon et al. discloses the limitation of the packet communication apparatus (column 1, lines 25 – 29) according to claimed wherein said controller comprises: a control channel power controller (Fig. 1, elements 127, 131, 129) that, in response to a determination that the quality of the transmitting packet signal is deteriorated (column 16, lines 46 – 47), performs transmit power control on only a control channel portion of those among the plurality of transmission units that are transmitted after the determination (column 17, lines 36 – 43), based on the transmit power control information received after the determination; and a data channel power controller that: halts the transmit power control on a data channel portion of those among the plurality of transmission units that are transmitted after the determination (column 19, lines 31 – 36; column 6, lines 18 – 29); and based on a transmit power of the control channel portion of a last transmission unit of the transmitting packet signal, sets the transmit power of the data channel portion of the beginning transmission unit of the next transmitted packet signal (column 20, lines 25 – 27, 30 - 33).

Regarding Claim 14, Moon et al. discloses the limitation of the packet communication apparatus (column 1, lines 25 – 29) according to claimed wherein said determiner determines that the quality of the transmitting packet signal at the

communication end has deteriorated below the predetermined quality level (column 19, lines 19 – 22) when the transmit power control information, to the effect of increasing a transmit power, is successively received a predetermined number of times (column 19, lines 9 – 19).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moon et al. (U.S. Patent No. 6831910 B1) in view of Saifuddin (U.S. Patent No. 6801759 B1).

Regarding Claim 12, Moon et al. discloses the limitation of a packet communication apparatus (column 1, lines 25 – 29). Moon et al. does not disclose expressly according to claimed further comprising: a storage that stores the transmit power control information received after the determination, wherein: said controller reflects said transmit power control information stored in said storage on the beginning transmission unit of the next transmitted packet signal collectively. Saifuddin discloses the limitation of claimed further comprising: a storage that stores the transmit power control information received after the determination (column 4, lines 17 – 26), wherein: said controller reflects said transmit power control information stored in said storage on

Art Unit: 2664

the beginning transmission unit of the next transmitted packet signal collectively (column 4, lines 27 – 31). It would have been obvious to modify Moon et al. to include a storage that stores the transmit power control information received after the determination (column 4, lines 17 – 26), wherein: said controller reflects said transmit power control information stored in said storage on the beginning transmission unit of the next transmitted packet signal collectively such as that taught by Saifuddin in order to provide memory storage operative to receive and store a first power control indicator having an associated first step size.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2664

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACL

Sep 08, 2005


Ajit Patel
Primary Examiner